

REMARKS

This Amendment responds to the Office Action mailed on December 22, 2004. Claims 1-22 have been cancelled, and new claims 23-56 have been added. In addition, the specification has been amended to correct a typographical error. It is believed that this Amendment places this case in condition for allowance.

Amendment to Specification

The specification has been amended to correct a typographical error in the application number of the priority document. The correct provisional application number of the priority document is 60/412,774. This provisional application number was correctly listed in the Utility Patent Application Transmittal form, and was correctly included on the first issued Filing Receipt. However, the Updated Filing Receipt lists the incorrect number 60/412,744. Applicants request another updated filing receipt, indicating that the application claims the benefit of 60/412,774, filed on September 23, 2002.

Claim Amendments

In the Office Action, claims 1-15, 17-18 and 20-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tsuji et al. (US 6,160,380), and claims 16 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuji. Applicants does not concede that the claims as filed are anticipated or rendered obvious by the cited references. Nonetheless, in order to expedite prosecution of this application, rejected claims 1-22 have been cancelled, and new claims 23-56 have been added. New claims 23-56 are supported by at least Figures 3, 7 and 12, and the corresponding description at pages 6-16, 17-18 and 20-21 of the specification. No new matter has been added.

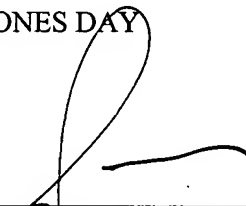
The Tsuji reference, either alone or in combination with any of the other cited references, does not disclose, teach, suggest or motivate all of the elements of new claims 23-56. For example, the Tsuji reference does not disclose or render obvious the steps of determining one or more operating condition of

the mobile device, determining a present loaded battery voltage of the mobile device, determining a present unloaded battery voltage based on the present loaded battery voltage and one or more operating condition, determining a present battery capacity using the present unloaded battery voltage, determining a loaded operational threshold voltage of the mobile device, the loaded operational threshold voltage being a battery voltage below which an operation of the mobile device is shut off, determining an unloaded operational threshold voltage of the mobile device based on the loaded operational threshold voltage and the one or more operating condition, determining an operational threshold capacity using the unloaded operational threshold voltage, and estimating the usable battery capacity based on the present battery capacity and the operational threshold capacity, as recited in new claim 23.

For at least these reasons, the Applicants contend that new claims 23-56 are patentably distinct from the cited references and are in condition for allowance. The Examiner is, therefore, respectfully requested to enter this Amendment and pass this case to issue.

Respectfully submitted,

JONES DAY



Joseph M. Sauer (Reg. No. 47,919)
Jones Day
North Point, 901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-7506